

#### REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (i.e., Claims 26-34) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should again be recalled that the present invention provides a seating system for providing and locating - and readily relocating - seating in large gathering areas, such as in stadiums and auditoriums. Conventionally, seating at such locales has generally consisted of fixing in place a basic, or permanent, seating arrangement which can, of course, be removed and replaced with a great deal of effort, but is not designed, and cannot readily be, rearranged. Other types of seating systems have relied upon movable "plates" upon which individual seats are permanently welded; such plates can move, but the relative location of most individual seats to one another remains fixed.

In contrast to the prior art, the presently claimed invention provides a seating system having a beam with a support, which is connected to an adjacent surface located behind the seat or, as is more common, behind a row of seats. The beam has an upper part for receiving a formation on located on the base of the individual seats of the row of seats and a lower part connected to the support of the beam.

The seats are temporarily connected to the beam so that the individual seats are able to be located, and easily relocated, at any point along the beam in an unrestricted manner.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and efficient seating system, particularly for large gatherings, which allows for a ready and convenient rearrangement of individual seating, either disclosed or suggested.

By the present amendments, Applicants have amended independent Claim 26 (and all remaining claims via dependency) to recite that the seating system of the present invention includes means for temporarily connecting at least one seat to the beam of the seating system and includes means for enabling the seat to longitudinally move and be locatable at, and relocatable at, any point along the beam. The intent of this amendment to Claim 26 is to clarify that the present invention permits seating along, for example, a row of seats to be temporarily fixed in place and then, as might be required, to be loosened and readily relocated, so that the spacing, or distance, between seats positioned along the beam forming the row of seats can be increased and decreased as may be desirable. The claimed seating system is significantly distinguishable over the prior art by allowing for a temporary fixation of seats in a row relative to one another, which may be easily and conveniently altered.

Dependent Claims 31 and 32 have also been amended - and new Claims 33 and 34 added - to clarify this advantage of the prior art.

Subject matter support for the foregoing amendments to Claims 26, 31 and 32, as well as for new Claims 33 and 34, exists at Page 8, lines 8-21, of Applicants' Specification.

Applicants have amended dependent Claim 28 in order to delete recitation of the "reinforcing beam" therein, which is not clearly illustrated in Applicants' drawing figures. In the final Office Action, the Examiner had objected to the drawing figures of record, pursuant to 37 C.F.R. §1.83(a), because the reinforced bar, or reinforcing beam, of the invention was not clearly shown in the drawing figures of record. By the current amendment to Claim 28, Applicants respectfully submit that the Examiner's drawing objection of the latest Office Action is now moot.

Along with the instant Response, Applicants are filing a formal "Request for Continued Examination," thereby allowing for withdrawal of the finality of the last Office Action, as a matter of right, and for entry and consideration of the instant claim amendments.

Turning now, in detail, to an analysis of the Examiner's prior art rejection, in the final Office Action the Examiner has rejected independent Claim 26, as well as dependent

Claims 31 and 32, as being anticipated, Hoven et al., U.S. Patent No. 3,194,601. It is the Examiner's contention that Hoven et al. discloses an audience chair, which includes at least one seat having a base with a beam supporting the seat, and connected to a surface behind and adjacent to the seat. The Examiner has further pointed out that the connecting means, via a bolt (18), enables the seat to move longitudinally along the beam (14), thereby anticipating that which is claimed by Applicants.

In reply to the Examiner's anticipation rejection applying Hoven et al., a careful analysis of this citation finds that each chair in Hoven et al. has back tubes (19), which have flattened portions extending over the cross beam (14) and are welded thereto (see, Hoven et al., Col. 2, lines 4-6) and forwardly directed portions (20) to which are welded reinforcing plates (21, 22). One reinforcing plate (22) has a depending portion welded to the beam (14) (see, Hoven et al., Col. 2, lines 7-12). It is, therefore, submitted not to be possible to move the seat longitudinally along the beam in Hoven et al. unless the welds were broken, the seat physically moved and re-welded, which would be contrary to the disclosed fixation of the seat in Hoven et al., which is intended to be permanent, in contrast to the present invention, as now claimed.

Further, the bolt (18), referred to by the Examiner in

the final Office Action, can apparently hold the supports (10) to the beam and would also appear to hold the arm rest, as best seen from the right-hand side of FIG. 4 in Hoven et al.

Applicants therefore respectfully submit that it is clear that Hoven et al. fails to teach or suggest to the skilled artisan that presently claimed invention, because the seats in the applied prior art are seen as being connected to beams via welding, so they would be completely permanent.

It is appreciated that, initially, the seating system in Hoven et al. might allow for a one-time permanent placement of a seat at any point along the beam (14) as shown therein, however, Applicants respectfully contend that independent Claim 26 (and Claims 27-34 via dependency), as now amended, and which recites means for a temporary connection of seating along the beam (10) of Applicants' invention, and which enables ready longitudinal movement of seating along said beam, so as the repeatedly allow for increasing and decreasing the relative distance between seats along the beam (10), is neither taught, shown nor suggested by Hoven et al. and, in fact, would be inconsistent with the teachings of Hoven et al., which teaches the use of a permanently welded (one-time only) fixation of a seat along the beam (14) therein.

Accordingly, in view of the presently-entered amendments to independent Claim 26, reciting the temporary connection

of at least one seat to the supporting beam (10), which connection may be loosened and re-fastened, as needed, in contrast to that taught by Hoven et al., Applicants respectfully contend that Hoven et al. neither anticipates, nor renders obvious, the present invention as now being claimed.

Thus, withdrawal of the 35 U.S.C. §102(b) anticipation rejection applying Hoven et al. is respectfully contended to be appropriate and justified.

Separately, in the final Office Action the Examiner has rejected dependent Claims 27-30 as being obvious, pursuant to 35 U.S.C. §103(a), over Hoven et al., and taken in view of a secondarily-applied reference. Inasmuch as Hoven et al. discloses a permanent fixation of a seat (or row of seats) to a supporting beam, in contrast to that now being claimed by Applicants, which is contended to be contrary to the teaching of Hoven et al., Applicants respectfully submit that combining Hoven et al. with additional prior art would not be appropriate.

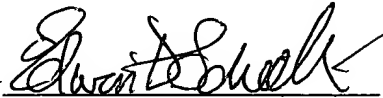
Accordingly, withdrawal of the subsidiary 35 U.S.C. §103(a) obviousness rejections of dependent Claims 27-30, as issued in the final Office Action, is respectfully requested.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (i.e., Claims 26-34) recite a novel and efficient

seating system, particularly for large gatherings, which allows for a ready, temporary and convenient rearrangement of individual seating along any point of its supporting beam, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the outstanding rejection and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

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Enc.: 1. Request for Continued Examination; and,  
2. Check for \$385.00 (RCE Filing Fee).

The Commissioner is hereby authorized to charge the Deposit Account of Applicants' Attorney, Account No. 19-0450, for any additional fees which may be due in connection with the prosecution of the present application, but which have not otherwise been provided for.